

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(Second Special Session)

1 9 7 6

that is the one that is quoted in the bill. It says future general adjustments shall be on the 1st day of the month following the effective date of the active employees adjustment. That is the way the law is; you cannot coincide. And it would be, under the first bill, it would really be a December effective date rather than a November date.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor? Pursuant to the provisions of the Constitution, the yeas and nays are ordered. If you are in favor of this Bill becoming law notwithstanding the objections of the Governor, you will vote yes; if you are opposed, you will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carroll, Chonko, Churchill, Clark, Connors, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Davies, DeVane, Doak, Dow, Drigotas, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Usher, Wagner, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Carter, Dam, Mackel.

ABSENT — Dudley, Gauthier, Ingegneri, LaPointe, Lizotte, Silverman, Truman, Tynedale.

Yes, 140; No, 3; Absent 8.

The SPEAKER: One hundred and forty having voted in the affirmative and three in the negative, with eight being absent, the Governor's veto is not sustained.

On motion of Mr. Rideout of Mapleton.

Recessed until three o'clock in the afternoon.

After Recess

3:00 p.m.

The House was called to order by the Speaker.

On motion of Mr. Hughes of Auburn, the rules were suspended so the members could remove their jackets.

Mr. Jacques of Lewiston was granted unanimous consent to address the House.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I wish to go on record as being in favor of L. D. 2361. I wasn't present in my seat when the vote was taken.

The following Enactor appearing on Supplement No. 7 was taken up out of order by unanimous consent:

RESOLVE, Designating the Madison-Anson Bridge as 'The Bicentennial Memorial Bridge' (H. P. 2399) (L. D. 2362)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being

necessary, a total was taken. 108 voted in favor of same and one against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

(Off Record Remarks)

The following papers from the Senate appearing on Supplement No. 8 were taken up out of order by unanimous consent:

The following Joint Order: (S. P. 831)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Ed Legg, Headmaster, Sumner Hawley, Dean of Faculty and the Students and Faculty of the Hyde School Whose Performance of "America's Spirit", an Original Bicentennial Production has Won the Acclaim of this State and of our Nation

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

Came from the Senate, read and passed.

In the House, the Order was read and passed in concurrence.

The following Joint Resolution: (S. P. 830)

IN MEMORIAM

Having Learned of the Death of Maurice F. Williams of Augusta, Former State Commissioner of the Department of Finance and Administration and an Administrative Assistant to Five Maine Governors

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine.

Came from the Senate, read and adopted.

In the House, the Resolution was read and adopted in concurrence.

The following paper from the Senate appearing on Supplement No. 9 was taken up out of order by unanimous consent:

The following Communication: (S. P. 832)

STATE OF MAINE

OFFICE OF THE GOVERNOR

AUGUSTA, MAINE 04330

June 11, 1976

To: Members of the House of Representatives and Senate of the 107th Legislature

I am returning without my signature and approval, S. P. 783, L. D. 2338, "An Act to Provide for the Position of Associate Administrative Court Judge and to Revise the Administrative Court Law."

I am opposed to provisions in this Act creating a new position within the Administrative Court of an Associate Administrative Court Judge and delaying until the next biennium funding for this position. This bill mandates an increased cost for the next biennium and circumvents established procedures in preparing and recommending a balanced budget for the coming biennium. This position should be subject to review by the Governor and Legislature as a part of the total budget recommended for the next biennium and not man-

dated in a piecemeal fashion without knowing what the revenue constraints on this Governor and the next Legislature will be at this time.

I respectfully request that you sustain my veto and in doing so continue to support the policy of fiscal responsibility put forth by this Governor and this Legislature.

Very truly yours,

Signed:

JAMES B. LONGLEY

Governor

Came from the Senate, read and ordered placed on file.

The accompanying Bill, "An Act to Provide for the Position of Associate Administrative Court Judge and to Revise the Administrative Court Law" (S. P. 783) (L. D. 2338)

In Senate June 14, 1976, this Bill, having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

30 voted in favor and 2 against, and accordingly it was the vote of the Senate that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the Senate so voted.

Signed:

HARRY N. STARBRANCH

Secretary of the Senate

In the House, the Communication and accompanying paper from the Senate were read and ordered placed on file.

The SPEAKER: The question before the House is, shall this Bill become law notwithstanding the objections of the Governor.

The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to urge you to support this piece of legislation. Judge Robinson, who is now the Administrative Court Judge, has not been able to take a vacation for four years. He covers the whole state on all of the administration court hearings on liquor violations and violations of professional licenses and so on. He is terribly overworked.

The bill, as it was written, in addition to creating another position so that there would be two Administrative Court Judges, it also allowed the Administrative Court Judge to impose fines on liquor license violators, which should, in the long run, increase the revenue to the state sufficiently so that it would offset the added cost of hiring the additional judge.

Judge Robinson has not been sick, as I understand it, for four years either, and if he continued to operate at this load, at some point the system has to break down and at that point it would be necessary to hire two new people.

I think it is a very badly needed bill and I think that the revenues from the fines should largely offset any additional costs.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I, too, would like to ask the members of this House to override this veto because it is indeed a good bill.

Judge Robinson and his secretary have tried to serve the entire state and handle over 400 cases a year, and the load is just becoming intolerable. I have had the privilege of appearing before this court, and I realize how overworked the Judge and his staff are, how they have to travel from place to place and are under a tremendous burden.

This bill does not go anywhere near far enough but it is a step in the right direction. It is a step to help the small businesses in this state who rely on the administrative process to oversee the licensing of their particular profes-

sion and I think it is very important that we override this veto.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor? Pursuant to the provisions of the Constitution, the yeas and nays are ordered. If you are in favor of this Bill becoming law notwithstanding the objections of the Governor, you will vote yes; if you are opposed, you will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bagley, Bennett, Berry, P. P.; Berube, Birt, Boudreau, Bowie, Byers, Call, Carey, Carpenter, Carroll, Chonko, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Davies, DeVane, Drigotas, Farley, Fenelon, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hughes, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Kany, Kelleher, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lovell, Lynch, MacEachern, Mackel, Mahany, Martin, R.; Maxwell, McKernan, McMahon, Mills, Miskavage, Mitchell, Mulkern, Nadeau, Najarian, Norris, Peakes, Pelosi, Perkins, S.; Peterson, T.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Smith, Snow, Snowe, Spencer, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Berry, G. W.; Blodgett, Burns, Carter, Churchill, Clark, Connors, Cote, Curtis, Dam, Doak, Durgin, Dyer, Farnham, Faucher, Finemore, Garsoe, Gauthier, Hinds, Hunter, Joyce, Kauffman, Lewis, Littlefield, Lunt, MacLeod, McBreairty, Morin, Morton, Palmer, Pearson, Perkins, T.; Peterson, P.; Pierce, Rollins, Shute, Sprowl, Tozier, Webber.

ABSENT — Ault, Bustin, Dow, Dudley, Ingegneri, LaPointe, Lizotte, Martin, A.; Silverman, Truman, Twitchell, Tyndale.

Yes, 100; No, 39; Absent, 12.

The SPEAKER: One hundred having voted in the affirmative and thirty-nine in the negative, with twelve being absent, and one hundred being more than two-thirds, the veto is not sustained.

The following papers appearing on Supplement No. 3-A were taken up out of order by unanimous consent:

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

June 14, 1976

Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine

Dear Speaker Martin:

I would like to inform you, at this time, that I have resigned as Representative of District 102 to the Maine House of Representatives, effective May 24, 1976.

Because an opportunity to offer my services to even more Maine citizens became available, it has been necessary to step down effective as above.

It has been a pleasure and a privilege to serve the Maine House of Representatives, the people of the Calais area and the residents of Washington County.

I hope the results of my work in the Maine Legislature has met with my constituents' approval and any future constituents' needs or problems may be handled by the Senator from Washington County, Hollis Wyman of Milbridge until my successor is elected.

Thank you.

Sincerely,

Signed:

HAROLD L. SILVERMAN

The Communication was read and ordered placed on file.

Mr. Lewin of Augusta presented the following Joint Order and moved its passage (H. P. 2411)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mrs. Ralph Herrick an Outstanding Citizen of Augusta who Celebrated her 99th Birthday in May of this Year

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

The Order was read and passed and sent up for concurrence.

Mr. Palmer of Nobleboro presented the following Joint Resolution and moved its adoption: (H. P. 2413)

IN MEMORIAM

Having Learned of the Death of Hon. Harold G. Clark of Jefferson who Faithfully Served the State of Maine as a Legislator and Member of the Executive Council

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine.

The Resolution was read and adopted and sent up for concurrence.

On Motion of Mr. Albert of Limestone, it was ORDERED, that Philip Ingegneri of Bangor be excused for the duration of the Legislative Session due to personal reasons.

AND BE IT FURTHER ORDERED, that Peter Truman of Biddeford be excused for the duration of the Legislative Session due to personal reasons.

Mr. Carpenter of Houlton presented the following Joint Order and moved its passage: (H. P. 2412) (Cosponsors: Messrs. Finemore of Bridgewater, Walker of Island Falls)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Houlton High School Shiretowners Eastern Maine Class A Baseball Champions for 1976

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

The Order was read and passed and sent up for concurrence.

By unanimous consent, all foregoing matters were ordered sent forthwith to the Senate.

Mrs. Lewis of Auburn was granted unanimous consent to address the House.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: You have had distributed today this bicentennial pledge, and you probably noticed there wasn't anybody's name

connected with it. Actually, it was distributed by me through the generosity of a woman from Auburn, a Miss Elizabeth Brooks. I hope that you will look at it and read it, and I would like to make a few comments, if I may.

The pledge is the product of the thinking, writing and rewriting, over a period of months, of more than a score of people, concerned citizens, who feel deeply the need to draw the nation again to the source of its strength.

The Maryland State Bicentennial Commission has officially endorsed the pledge and sent it to 58 patriotic organizations across the country. The State of Ohio Legislature, inspired by a musical youth group, Sing Out Salem, unanimously passed a resolution making the bicentennial pledge the official state pledge. Senator Mark Hatfield of Oregon and Congressman Goodlow Byron of Maryland have written the pledge into the Congressional Record. Replies have been received from 30 states in response to letters and pledges sent by Mrs. George Romney to the State Governors. A delegation of 12 Congressmen going to London to receive a copy of the Magna Carta from the Queen took copies of the pledge with them. Congressman John Rhodes, heading the delegation, hoped to present a copy to her Royal Majesty.

The Commissioner of Education, Mr. T. H. Bell, has urged that the pledge be sent to all state superintendents of education. This was done with the note about the study guides who accompany it.

If any of you are particularly interested and would like additional copies, I do have some and I hope you will see me afterwards.

The following paper appearing on Supplement No. 10 was taken up out of order by unanimous consent:

The following Communication: (S. P. 833)

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

June 11, 1976

To: Members of the House of Representatives and Senate of the 107th Legislature

I am returning S. P. 669, L. D. 2128, "An Act Relating to Definition of Retail Sale Under Sales and Use Tax Laws" without my approval and signature.

I am opposed to this bill because this is a glaring example of a special tax break to one industry in Maine which is unfair, not only to the people of Maine, but to other businesses as well. This bill would transfer a tax break of approximately \$225,000 from one national company to the backs and pocketbooks of the remainder of Maine's businesses and its people.

I feel State government has done and is continuing to do everything possible to help this company, because it is a valuable one. Our Commissioner of Transportation and this Governor have done everything possible to assist this firm, but on a basis that is fair and equitable to the remainder of Maine.

In addition, a business as large and as successful as the parent company involved, should recognize good business practices for government, as well as business and our approach to save and help all of Maine businesses equally, rather than favor one at the expense of all others.

Therefore, I respectfully request that you sustain this veto.

Very truly yours,

SIGNED:

JAMES B. LONGLEY

Governor

Came from the Senate, read and ordered placed on file.

The accompanying Bill, "An Act Relating to Definition of Retail Sale Under Sales and Use Tax Laws" (S. P. 2128)